

ORDINANCE NO.

1 AN ORDINANCE RELATED TO REQUIREMENTS FOR OUTDOOR MUSIC
2 VENUES; AMENDING CITY CODE SECTIONS 9-2-1 AND 9-2-12; AND
3 ADDING A NEW CITY CODE SECTION 9-2-34.
4

5 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
6

7 PART 1. FINDINGS.

8 The City Council finds that:

- 9 1. Confusion regarding the operational requirements, permitting procedures, and
10 enforcement mechanisms applicable to outdoor music venues has caused problems
11 for neighborhood residents, venue operators, and city staff.
- 12 2. To address those problems, the City Council committed at its January 15, 2009
13 meeting to review the permitting process for outdoor music venues and consider
14 changes to the requirements related to hours of operation, noise regulations,
15 enforcement, neighborhood compatibility, and public notice for area residents.
- 16 3. By clarifying the applicable decibel limits for outdoor music venues and requiring
17 identification signs to be posted at all outdoor music venues, the provisions of this
18 ordinance go a long way towards addressing these issues.
- 19 4. However, it is the intent of City Council to bring forward an ordinance to address
20 the remaining issues at or before the March 12, 2009 council meeting.
- 21 5. The provisions of this ordinance will not impede or limit the operation of the
22 venues of the South by Southwest Music Festival, which begins March 18, 2009.
23

24 PART 2. City Code Section 9-2-1 (*Definitions*) is amended to amend the definition of
25 "outdoor music venue" to read:

26 (4) OUTDOOR MUSIC VENUE means a commercial property, including but not
27 limited to a restaurant use permitted under Section 25-2-808 (*Restaurants and Cocktail*
28 *Lounges*), where sound equipment is used to amplify sound that is not fully enclosed by
29 permanent, solid walls and a roof.
30

31 PART 3. City Code Section 9-2-12 (*Permit for an Outdoor Music Venue*) is amended to
32 read:

1 **§ 9-2-12 PERMIT FOR AN OUTDOOR MUSIC VENUE.**

2 (A) The owner or operator of an outdoor music venue must obtain a permit from the
3 director before using sound equipment at an outdoor music venue.

4 (B) Except as provided in this section, [~~Subsections (C), (D), and (E)~~] a person may
5 not use sound equipment at an outdoor music venue.

6 (C) A person may use sound equipment at an outdoor music venue that produces
7 sound as measured at any point along the property line of the permitted venue not greater
8 than 85 decibels, between 10:00 a.m. and:

9 (1) 10:30 p.m. on Sunday through Wednesday;

10 (2) 11:00 p.m. on Thursday; or

11 (3) 12:00 midnight on Friday or Saturday.

12 (D) A person may use sound equipment at an outdoor music venue with an
13 occupancy capacity of 600 or fewer people located in the Warehouse District or Sixth
14 Street District, that produces sound as measured at any point along the property line of
15 the permitted venue not greater than 85 decibels between 10:00 a.m. and 2:00 a.m.

16 (E) During the annual South-by-Southwest music event, a person may use sound
17 equipment at a permitted outdoor music venue that produces sound as measured at any
18 point along the property line of the permitted venue not greater than 85 decibels between
19 10:00 a.m. and 2:00 a.m.

20 (F) Use of sound equipment at an outdoor music venue associated with a restaurant
21 use is subject to the decibel limits prescribed under Section 25-2-808 (*Restaurants and*
22 *Cocktail Lounges*) and the hours of operation prescribed under Subsections (C)(1)-(3) of
23 this section.

24 (G) Use of sound equipment at an outdoor music venue located in a commercial
25 recreation zoning district is subject to the decibel limits prescribed under Section 25-2-
26 583 (*Commercial Recreation (CR) District Regulations*) and the hours of operation
27 prescribed under Subsections (C)(1)-(3) of this section.

28
29 **PART 4.** City Code Chapter 9-2 (*Noise and Amplified Sound*) is amended to add a new
30 Section 9-2-34 to read:

31 **§ 9-2-34 IDENTIFICATION REQUIREMENTS FOR OUTDOOR MUSIC**
32 **VENUES.**

1 (A) The owner or operator of an outdoor music venue permitted under Section 9-2-
2 12 (*Permit for an Outdoor Music Venue*) shall prominently display an identification sign
3 as required by the director under Subsection (B) of this section.

4 (B) The director shall adopt requirements, in accordance with Chapter 1-2 (*Adoption*
5 *of Rules*), governing the design, placement, and size of identification signs to be posted at
6 all outdoor music venues. The signs shall specify the following:

- 7 (1) the name and address of the outdoor music venue;
8 (2) the name and address of the owner or operator of the outdoor music
9 venue;
10 (3) the decibel limits for operation of sound equipment at the outdoor
11 music venue;
12 (4) the hours during which sound equipment may be used at the outdoor
13 music venue; and
14 (5) the date on which the permit for the outdoor music venue expires.
15

16 **PART 5.** This ordinance takes effect on _____, 2009.
17

18 **PASSED AND APPROVED**

19 _____, 2009 §
20 §
21 §
22 _____
23 Will Wynn
24 Mayor

25 **APPROVED:** _____
26 David Allan Smith
27 City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk